

Message Text

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HQ, USSOUTHCOM, SCJ2

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TAGS: SHUM, PINT, PGOV, UY

SUBJECT: HUMAN RIGHTS: GOVERNMENT ISSUES DECREE AND PROPOSES

NEW LEGISLATION. PART I.

1. SUMMARY. THE GOVERNMENT, ON OCTOBER 21, MADE TWO MOVES WHICH DEMONSTRATED ITS GROWING CONSCIOUSNESS WITH RESPECT TO HUMAN RIGHTS. IT PROMULGATED INSTITUTIONAL ACT NR. 5 WHICH ACCEPTS THE PRINCIPLE THAT THE WORLD COMMUNITY HAS LEGITIMATE INTERESTS IN HUMAN RIGHTS AND SUGGESTS THAT AN INTERNATIONAL (NOT PRIVATE) TRIBUNAL OF STATES WHICH WISH TO AFFILIATE BE CHARGED WITH MONITORING HUMAN RIGHTS. AT THE SAME TIME, THE ADMINISTRATION SENT TO THE COUNCIL OF STATE A BILL CREATING A NEW CIVILIAN COURT, AND PROVIDING GREATER DUE PROCESS OF LAW FOR THOSE ONLY TENDING TOWARDS SUBVERSION, THUS EASING APPLICATION OF THE STRINGENT EMERGENCY SECURITY MEASURES (MEDIDAS PRONTAS DE SEGURIDAD). DETAIL ON THE PROPOSED LEGISLATION FOLLOWS IN SEPTEL. END SUMMARY.

2. THE GOVERNMENT, ON OCTOBER 21, ISSUED INSTITUTIONAL ACT NO. 5 WHICH: 1) ACCEPTS THE POSTULATION THAT THE WORLD COMMUNITY HAS LEGITIMATE INTERESTS IN HUMAN RIGHTS AND THAT PURSUIT OF THOSE

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INTERESTS DOES NOT CONSTITUTE INTERVENTION IF HANDLED BY AN APPRO-

PRIATE INTERNATIONAL BODY; 2) SETS CONDITIONS UNDER WHICH THIS INTERNATIONAL GUARDIANSHIP SHOULD BE EXERCISED; AND 3) REJECTS THE ROLE OF PRIVATE ORGAINZATIONS IN MONITORING HUMAN RIGHTS, AN OBVIOUS REJECTION OF AMNESTY INTERNATIONAL WHICH URUGUAY BELIEVES NOT ONLY FALSELY ACCUSED IT BUT ALSO CONSCIOUSLY ATTEMPTED TO DO THE NATION GREVIOUS HARM.

3. ALTHOUGH THE TEXT ITSELF (UNOFFICIAL TRANSLATION BELOW) IS NOT SO PRECISE AS TO PROVIDE MUCH MORE THAN AN IDEA AS TO WHAT THE GOU HAS IN MIND, STATEMENTS OF TWO KEY MINISTERS DO CLARIFY GOU INTENTIONS. MINISTER OF INTERIOR LINARES SAID ON OCTOBER 22 THAT, "WHAT WE PROPOSE IN INSTITUTIONAL ACT NO. 5 IS THE INSTAL- LATION OF A TRIBUNAL OF STATES WHICH WISH TO JOIN..TO JUDGE IMPARTIALLY COUNTRIES WHICH ARE UNDER WELL-FOUNDED ACCUSATIONS OF HUMAN RIGHTS VIOLATIONS. AND EACH ASSOCIATED STATE WILL ALSO HAVE THE RIGHT TO REQUEST INVESTIGATION OF OTHER STATES WHICH IT BELIEVES VIOLATE THOSE RIGHTS." FOREIGN MINISTER BLANCO HQD SET THE STAGE FOR THIS MOVE IN HIS OCTOBER 1 ADDRESS TO THE UNGA. BLANCO SAID THAT THE TIME HAD COME FOR THE COMMUNITY OF NATIONS "TO INITIATE AN IN-DEPTH REVIEW OF THE STATE OF HUMAN RIGHTS IN ALL THE WORLD.." BLANCO'S THRUST, WHICH COMES OUT IN ACT NO. 5, WAS AGAINST ANY NATION ACTING AS JUDGE AND JURY OVER ANOTHER AND THE PARTIAL SINGLING OUT OF ONE NATION FOR ATTACKS, PARTICULARLY WITHOUT CONSIDERATION OF THE OVERALL QUALITY OF LIFE AND RIGHTS ENJOYED BY ITS PEOPLE.

4. THE PROLOGUE TO THE ACT STATES THAT WHILE CONSTITUTIONAL REFORMS ARE BEING STUDIED, IT IS IMPORATNT THAT THE STATE TAKE IMMEDIATE STEPS IN THE AREA OF HUMAN AND INDIVIDUAL RIGHTS. THE PROLOGUE ALSO EMPHASIZES DANGERS FACED BY THE COUNTRY FROM INDIVI- DUALS AND GROUPS WHICH ARE INTENT UPON DESTROYING THE EXISTING POLITICAL SYSTEM AND ILLUSTRATES THE DILEMMA THE GOU BELIEVES IT FACES - ITS DIFFICULTY IN GUARANTEEING HUMAN RIGHTS WHILE MAIN- TAINING INTERNAL SECURITY.

5. AN UNOFFICIAL TRANSLATION OF OPERATIVE PORTIONS OF THE DECREE FOLLOWS:

"ARTICLE I. WITHOUT PREJUDICE TO SECTION II OF THE CONSTITUTION OF THE REPUBLIC, THE STATE RECOGNIZES THE PRINCIPLE THAT HUMAN RIGHTS ARE NATURAL RIGHTS OF MAN, INDEPENDENT OF ALL JURIDICAL UNCLASSIFIED

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CIRCUMSTANCES AND OVER AND ABOVE ANY WRITTEN STANDARD. "THEREFORE, CONSTITUTIONAL AND LEGAL STANDARDS CAN ONLY DETERMINE THE JURISDICTION, PROCEEDINGS, AND TIMING OF THE EXERCISE OF THE RESPECTIVE JUDICIAL MEANS OF GUARDIANSHIP. "ARTICLE II. INDIVIDUAL RIGHTS, CONSECRATED IN DIFFERENT JUDICIAL CIRCUMSTANCES UNDER WHICH MEN LIVE, ARE EQUALLY PROTECTED BY SUITABLE NORMS IN ACCORDANCE WITH REGUALTIONS IMPOSED BY THE CON- STITIONAL AND LEGAL SYSTEM.

"ARTICLE III. EVERY CITIZEN HAS THE RIGHT TO INTERNAL SECURITY, UNDERSTANDING BY THAT, GENERICALLY, AN INTEGRAL GUARDIANSHIP OF THE STATE WHICH GUARANTEES HUMAN RIGHTS AND THE FREE EXERCISE OF INDIVIDUAL RIGHTS.

"THEREFORE, THE DEFENSE OF INDIVIDUAL AND HUMAN RIGHTS, WHICH MANKIND FACES, MUST BE REGULATED (ALSO) WITH CONSIDERATION GIVEN TO INTERNAL SECURITY (OF THE STATE), WHICH MAN ALSO CONFRONTS WITHIN A POLITICAL AND SOCIAL ORDER.

"ARTICLE IV. THE STATE AGREES TO AND LOOKS FAVORABLY TOWARDS THE GUARDIANSHIP OF HUMAN AND INDIVIDUAL RIGHTS BY INTERNATIONAL ORGANIZATIONS, BUT IN THE FUTURE WILL ONLY APPROVE OF SUCH GUARDIANSHIP UNDER THE FOLLOWING CONDITIONS:

A) THAT THEY BE ENSURED BY PROFESSIONAL, PERMANENT INTERNATIONAL TRIBUNALS APPOINTED WITH THE MAXIMUM GUARANTEE OF IMPARTIALITY.

B) THAT THEY ONLY RECEIVE COMPLAINTS FROM OTHER STATES WHICH ARE SIGNATORIES OF THE RESPECTIVE TREATIES.

C) THAT THE COMPLAINING STATE WILL ACCEPT SIMULTANEOUSLY SIMILAR COMPLAINTS MADE BY THE ACCUSED.

IN NO CASE WILL THERE BE ACCEPTED IN THOSE TRIBUNALS CLAIMS MADE BY INDIVIDUALS OR BY NATIONAL OR INTERNATIONAL PRIVATE ORGANIZATIONS, WHATEVER THEIR CHARACTER.

"ARTICLE V. DECREED, ETC." END TEXT.

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